IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3006 OF 2005
IN
CRIMINAL APPEAL NO.470 OF 2005

Pravin Mavji Makhwana ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr. A.H.H.Ponda, Advocate for Applicant
Mr. D.P.Adsule, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JULY 22,2005

P.C.

1. Heard both sides.

2. The applicant is seeking bail. The applicant has been convicted under Section 376 of IPC and sentenced to R.I.for seven years.

3. The learned advocate for the applicant has pointed out that the applicant was on bail pending trial and he has not misused the liberty granted to him. This statement is not controverted by the prosecution. The learned advocate for the

applicant has further pointed out that there was intimacy between the prosecutrix and the applicant since six months prior to the incident which contradiction has been proved through the Investigating Officer. The learned advocate has also pointed out the medical evidence i.e. of P.W.3 Dr. Shivaji Daund to whom the prosecutrix was referred by the police for examination. He has submitted that looking to the evidence of P.W.3 Dr.Shivaji Daund, it does not appear to be a solitary incident of sexual intercourse but it appears that the prosecutrix was habituated to sexual intercourse. Looking to the evidence on record, I find much merit in this submission. Hence, I am inclined to grant bail.

4. The applicant-Pravin Mavji Makhwana to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up that amount. During the pendency of the appeal, the applicant shall report to Dongri Police Station once in a month i.e. on the last Saturday of every month.

5. Application is disposed of.

[V.K.TAHILRAMANI,J.]